

of health of the laws we rely upon to preserve our economic liberty.

I thank the Antitrust Modernization Commission for all its work over the past few years. I urge my colleagues to support this measure.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 742.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 50 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1334

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POMEROY) at 1 o'clock and 34 minutes p.m.

GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE AND CUSTOMHOUSE

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 187) to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

The Clerk read as follows:

H.R. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, shall be known and designated as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse and customhouse referred to in section 1 shall be deemed to be a reference to the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

For me, today is a very fulfilling, as well as nostalgic, moment to move this bill to designate the Federal building and the U.S. courthouse and customhouse in Duluth for Judge Gerald W. Heaney.

He was appointed judge of the U.S. Circuit Court of Appeals for the Eighth Circuit on November 3, 1966. He took senior status in December 31, 1988; finally retired last August after 40 years on the bench. But that is only part of the story.

Gerald Heaney was born January 29, 1918, in Goodhue, a rural community in southeastern Minnesota. He grew up in a farming community, learned the values of rural America, went to my college which I attended many years later, College of St. Thomas, where he graduated and went on to the University of Minnesota where he got his law degree in 1941, but then started a new chapter in the life of Gerald Heaney.

He enlisted in the Army in World War II. He was trained as a United States Army Ranger, and he was on the landing craft at 6:30 in the morning on Omaha Beach in Normandy.

I interviewed Judge Heaney for the Library of Congress project on World War II veterans. They are attempting at the Library to get the personal views of those who participated in World War II, and he told this story:

"We were all herded into the landing craft. At 6:30 we arrived close to the beach. We could not quite get into the beach because of the obstacles that the Germans had placed under water and also had proximity bombs that would blow up ships. They were having trouble getting the vessels in, so they could not get to the beach, but they got into relatively shallow water. And the door went down on the landing craft, and the captain stood up and said, everyone ashore, and he was cut down by gunfire. And the first lieutenant stood up and said, everyone ashore, and he was cut down by gunfire. And then," said Judge Heaney, "that left me, Second Lieutenant Gerald Heaney, in charge, and I looked up and said, we are not going out that door; everybody over the side."

How many lives he saved we will never know, but they got into water that was too deep for them to touch the bottom. They tried to swim. They were sinking. They all cut off their backpacks loaded with their food and supplemental ammunition and made it to the shore.

I was privileged to be in the group of Speaker HASTERT on the 60th anniversary of D-Day and stood at that beach, at that shoreline, and looked up at where the German gun emplacements were located. It is an awesome crossfire site, fearsome.

Men were cut down right and left as they crawled and inched their way up. By 3:30 in the afternoon, they had made progress of just about a mile, circled around the German guns, which was

their objective, and with hand grenades and other explosives, explosive packs, took out the German gun emplacements, making that segment of the beach safer for more landings.

By then they were out of ammunition. Judge Heaney said, I said to my men, and there were only a few of us left, we will go back to the beach; they will have landed supplies, and we can be replenished. So they turned around, and he stopped and choked and said, and that is when I saw the carnage, thousands killed.

But they returned, got supplemental ammunition, went back up that beachhead, and their job was to then circle around La Pointe du Hoc, which is a straight, rocky cliff. Rangers are going to scale La Pointe du Hoc from below, and Heaney and his Ranger group were to distract the Germans, take out the gunnery and make it safe, and they did. They attacked. They took out powerful German machine gun emplacements and long-range artillery.

For that heroism at La Pointe du Hoc, Judge Heaney was awarded the Silver Star, the second highest award our Government gives to our military personnel, but that was not the end. They continued all across France and into Germany.

By 1945, they had gotten to the Elbe, and there the British units, Russian units and American units met, but they postponed the formal meeting until the following morning where they would have a flag-raising ceremony. And as Judge Heaney said, he looked over, and the Russians had a flag, the British had a flag; he said, where is ours? They did not have a flag. No one had thought to bring a flag. They just fought their way courageously across Europe.

So Judge Heaney, Gerald Heaney, by then Captain Heaney, went into the village nearby and bought red, white and blue cloth and found seamstresses in the village who could sew that into an American flag with 48 stars at the time. He still has that flag. He brought it with him for the Labor Day celebration this year at Park Point in Duluth, and there was not a dry eye in the crowd.

That is the man, that is the courage, that is the strength. He went on to be appointed a U.S. circuit court judge by Lyndon Johnson, and displaying the same courage that he showed for his country in defense of liberty and freedom, he presided over the case to desegregate the St. Louis school system. He wrote the opinion and has written a book about not only the opinion, but the 20 years that he presided over the continuing desegregation of the St. Louis schools in his capacity as circuit court judge. It is entitled, "Unending Struggle. The Long Road to an Equal Education in St. Louis," with Dr. Susan Uchitelle, who was a law clerk for Judge Heaney.

He writes, Our involvement in the St. Louis public school case over a period of 18 years convinced us that, after

having recused ourselves from further participation in the case, that we should write a history of education in St. Louis. Much has been written about education during the slave years, 1820 to 1865. No one has attempted to pull together the rich material written over the period from 1820 to the 1980s.

It is all compiled in this remarkable document of how one court case changed the lives of children, of generations of children, of an entire community, made life better for not only African Americans but all citizens living in St. Louis.

□ 1345

I know that as I have traveled to that city from time to time to meet people, Gerald Heaney is nearly revered. He is enormously respected. His courage and standing and his steadfastness, just as he pursued the German forces across France and Germany, he pursued justice in the name of all of our fellow citizens as a sitting judge.

It is most fitting that we should designate the courthouse where he spent a great deal of his office hours. Although his cases were heard in St. Louis, in the courthouse there, his office hours were in the Federal building and the courthouse and customhouse in Duluth, a venerable facility that was built during the Depression years and, like Judge Heaney's work, will withstand the test of time for generations to come.

Mr. Speaker, I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I yield myself such time as I may consume.

Though many have made light of the schedule we have had for the past few weeks, the grueling schedule of naming a lot of Federal buildings, it doesn't mean that any of these individuals are any less deserving or should not be honored.

Today in committee in the Transportation Committee, we named a courthouse in Missouri, my home State, after Rush Hudson Limbaugh, Sr., who practiced law in the State of Missouri for over 80 years and was highly revered. Today on the floor, we are honoring somebody that, going through his accomplishments and what he has done in life, is somebody that truly should be recognized.

H.R. 187, which was introduced by Representative OBERSTAR of Minnesota, chairman of the Transportation Committee, designates the Federal building and the United States courthouse and customhouse at 515 West First Street in Duluth, Minnesota, as the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse. The building honors Judge Heaney's dedication to public service.

As the gentleman from Minnesota pointed out, he served with great distinction during the Army in World War II and acquired a law degree from the University of Minnesota law school after his time. Judge Gerald W. Heaney engaged in private practice then just after the war, from 1946 to 1966.

Judge Heaney's career as a judge began then in 1966 with an appointment to the U.S. Court of Appeals for the Eighth Circuit by President Lyndon B. Johnson. Judge Heaney had a reputation for championing equal justice for underprivileged and vulnerable citizens. Judge Heaney retired after 40 years of service on August 31, 2006.

I support this legislation, Mr. Speaker, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. I want to say, once again, what a great privilege this is to author this legislation, bring it from the Committee on Transportation and Infrastructure, which I have the honor to chair, and bring it to the House floor and pay tribute to a truly great heroic American who served his country in war, in peace, on the bench and in the hearts of our fellow citizens.

In addition to my statement on the Floor today, I want to include in the CONGRESSIONAL RECORD this passage from "Unending Struggle: The Long Road to an Equal Education in St. Louis" by Judge Gerald W. Heaney and Dr. Susan Uchitelle:

Unless additional resources are provided to the St. Louis public schools, they will fail, leading to a demand by some parents for alternative educational opportunities. . .

Excellent public schools are essential in a democracy. Experience has demonstrated that urban city schools educate and will continue to educate most school-age children. Moreover, public schools have an obligation to educate all children—rich and poor, black, brown, and white, gifted or special. Unless children are well educated and well trained, they will be unable to take their place as full participants in our vibrant democracy.

Segregated housing, a long history of discrimination in education and employment, and the historic lack of opportunity for African Americans to participate fully and equally in all aspects of life make the task ahead a challenging one.

This is but one simple passage from the works of Judge Heaney. I urge my colleagues to join me in supporting H.R. 187.

H.R. 187 is a bill to designate the federal building and United States Courthouse located at 515 West First St., Duluth, Minnesota as Judge "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse." Gerald Heaney was appointed Judge of the United States Court of Appeals for the Eighth Circuit on November 3, 1966. He took senior status on December 31, 1988, and retired on August 31, 2006, after over 40 years of distinguished service to his country and the citizens of Minnesota. I rise in strong support of this bill.

Judge Heaney was born on January 29, 1918 in Goodhue, a rural community in the southeastern part of Minnesota. As a child growing up in a farming community Judge Heaney learned the value of a close family, honesty, and hard work. These qualities have marked not only his personal life but also his life as a public servant. He was educated at the College of St. Thomas, St. Paul, and received his law degree from the University of Minnesota in 1941.

Gerry Heaney is a decorated World War II veteran. He was a member of the distinguished Army Ranger Battalion and partici-

pated in the historic D-Day landing at Normandy. He was awarded the Silver Star for extraordinary bravery in the battle of La Pointe du Hoc in Normandy. He also received a Bronze Star and five battle stars.

At the end of the war Judge Heaney returned home and entered private practice in Duluth. During that time he was instrumental in improving the state education system, and served on the board of regents for the University of Minnesota. He was instrumental in helping develop for the Duluth school system the same pay scale for both men and women.

In 1966 he was appointed by President Johnson to the Eight Circuit Court of Appeals. In that capacity he has been a champion in protecting the rights of the disadvantaged. He was devoted to making sure that every person had an equal opportunity for an education, a job, and a home. He firmly believes the poor, the less educated, and less advantaged deserve the protection of the Constitution.

As a hard working, well prepared, and fair minded jurist he left his legal imprimatur on school desegregation cases, bankruptcy law, prisoner treatment, and social security law.

His public service is discerned by industry, brilliance, and scholarly excellence. His compassion and dedication to those of us who are the most disadvantaged is unparalleled.

Judge Heaney is most deserving of this honor. I ask my colleagues to join me in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 187.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent all Members have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

REPEALING PROHIBITION ON USE OF CERTAIN FUNDS WITH RESPECT TO LOS ANGELES TO SAN FERNANDO VALLEY METRO RAIL PROJECT, CALIFORNIA

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 238) to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Metro Rail project, California.

The Clerk read as follows:

H.R. 238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF PROHIBITION.

The second sentence of section 321 of the Department of Transportation and Related